

# **Exhibit 1**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL 1570 (RCC)

-----X

THIS DOCUMENT RELATES TO:

***THOMAS E. BURNETT, SR., ET AL. VS. AL BARAKA  
INVESTMENT AND DEVELOPMENT CORP., ET AL.  
03 CV 9849 (RCC); 03 CV 5738 (RCC)***

**DECLARATION IN SUPPORT OF PLAINTIFFS' MEMORANDUM OF LAW IN  
OPPOSITION TO YASSIN ABDULLAH AL KADI'S MOTION TO DISMISS WITH  
SUPPORTING POINTS AND AUTHORITIES**

October 15, 2004

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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***THOMAS E. BURNETT, SR., ET AL. VS. AL BARAKA  
INVESTMENT AND DEVELOPMENT CORP., ET AL.  
03 CV 9849 (RCC); 03 CV 5738 (RCC)***

**DECLARATION OF MICHAEL E. ELSNER IN SUPPORT OF PLAINTIFFS' MEMORANDUM OF  
LAW IN OPPOSITION TO DEFENDANT YASSIN ABDULLAH AL KADI 'S MOTION TO  
DISMISS WITH SUPPORTING POINTS AND AUTHORITIES**

MICHAEL E. ELSNER declares under penalty of perjury:

1. I am attorney admitted to practice before this Court and am a member of MOTLEY RICE LLC, counsel for plaintiffs in *Burnett, et al. v. Al Baraka Investment & Development Corp., et al.*, Civil Action Nos. 03 CV 9849 and 03 CV 5738. I submit this declaration to provide the Court with the exhibits on which Plaintiffs rely in their Memorandum of Law in Opposition to Defendant Yassin Abdullah Al Kadi's Motion to Dismiss with Supporting Points and Authorities.

2. Attachment 1 is a true and accurate electronic version of the original United States Department of Treasury Press Release on October 12, 2001.

3. Attachment 2 is a true and accurate copy of correspondence from David D. Aufhauser of the U.S. Treasury Department dated November 29, 2001.

4. Attachment 3 is a true and accurate electronic version of President George W. Bush's Executive Order 13224.

5. Attachment 4 is a true and accurate electronic version of the Press Release of October 19, 2001 entitled "Security Council Committee Concerning Afghanistan Issues a Further Addendum."

6. Attachment 5 is a true and accurate copy of the article entitled "French Investigator Tricked UN Over Terror Report, Say Al-Qadi Lawyers" as it appears on the Arab News website on March 1, 2004.

7. Attachment 6 is a true and accurate electronic version of the State of Delaware's Articles of Incorporation of Muwafaq Foundation a/k/a Blessed Relief, dated February 3, 1992.

8. Attachment 7 is a true and accurate copy of the article entitled "Customs Searches Software Firm Near Boston," as it appeared on the website www.CNN.com on December 6, 2002.

9. Attachment 8 is a true and accurate copy of the article entitled "Possible Terror Ties Devastate Tech Firm," as it appeared on the website www.CNN.com on January 1, 2003.

10. Attachment 9 is a true and accurate electronic version of the Global Diamond Resources Board roster dated December 31, 2000, naming Yassin Al-Kadi a director of the company.

11. Attachment 10 is a true and accurate copy of the Affidavit of FBI Special Agent Robert Wright, dated June 8, 1998.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 15, 2004.

  
MICHAEL E. ELSNER